

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC.,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:17-cv-00454-GKF-jfj
	)	
1) CASTLE HILL STUDIOS LLC	)	
(d/b/a CASTLE HILL GAMING);	)	
2) CASTLE HILL HOLDING LLC	)	
(d/b/a CASTLE HILL GAMING); and	)	
3) IRONWORKS DEVELOPMENT, LLC	)	
(d/b/a CASTLE HILL GAMING)	)	
	)	
Defendants.	)	

**PLAINTIFF’S MOTION TO SEAL MOTION TO EXCLUDE THE  
TESTIMONY OF ROBERT ZEIDMAN IN PART AND SUPPORTING BRIEF**

Pursuant to Local Rule 79.1, General Order In Re The Use of Confidential Information In Civil Cases (“GO 08-11”), and paragraph 2(f) of the Stipulated Protective Order (Dkt. 55), Plaintiff Video Gaming Technologies, Inc. (“VGT”), hereby requests that the Court enter an order to seal Plaintiff’s unredacted Motion to Exclude the Testimony of Robert Zeidman in Part and Supporting Brief (“the Motion to Exclude”) and Exhibits B, C, D, E, F, G and H to the Declaration of Peter Swanson in Support of Plaintiff’s Motion to Exclude the Testimony of Robert Zeidman in Part (“the Swanson Declaration”) (collectively, Dkt. 166). In support of this motion, Plaintiff states the following:

1. Portions of the Motion to Exclude contain both Plaintiff’s and Defendants’ sensitive and/or proprietary trade secret information, which, pursuant to the Stipulated Protective Order, should be treated as Highly Confidential Information.

2. Exhibit B to the Swanson Declaration consists of a document produced as CHG0015304–CHG0015331. Pursuant to paragraph 2(a) of the Stipulated Protective Order, CHG has designated this document as Highly Confidential Information.

3. Exhibit C to the Swanson Declaration consists of an excerpt from the Deposition of Robert Zeidman, dated September 28, 2018. Pursuant to paragraph 2(c) of the Stipulated Protective Order, CHG and VGT designated the deposition transcript as containing Highly Confidential and Highly Confidential Source Code Information.

4. Exhibit D to the Swanson Declaration is the Opening Expert Report of Stacy Friedman, dated August 10, 2018. Pursuant to paragraph 2(a)–(c) of the Stipulated Protective Order, VGT designated this report as Highly Confidential and Highly Confidential Source Code Information.

5. Exhibit E to the Swanson Declaration is a copy of the Rebuttal Expert Report of Robert Zeidman, dated August 31, 2018. Pursuant to paragraph 2(a)–(c) of the Stipulated Protective Order, CHG has designated this report as Highly Confidential Information. The report contains Highly Confidential and/or Highly Confidential Source Code Information of VGT.

6. Exhibit F to the Swanson Declaration consists of an excerpt from the Deposition of Alan Roireau, dated August 1, 2018. Pursuant to paragraph 2(c) of the Stipulated Protective Order, CHG has designated this deposition transcript as Highly Confidential Information.

7. Exhibit G to the Swanson Deposition consists of an excerpt from the Deposition of Alan Roireau, dated May 15, 2018. Pursuant to paragraph 2(c) of the Stipulated Protective Order, CHG has designated this deposition transcript as Highly Confidential Information.

8. Exhibit H to the Swanson Deposition consists of an excerpt from the Deposition of Paul Suggs, dated June 8, 2018. Pursuant to paragraph 2(c) of the Stipulated Protective Order, CHG has designated this deposition transcript as Highly Confidential Information.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting sealing the Motion to Exclude and Exhibits B, C, D, E, F, G and H to the Swanson Declaration (Dkt. 166).

October 12, 2018

Respectfully submitted,

/s/ Gary M. Rubman

Graydon Dean Luthey, Jr., OBA No. 5568  
GABLE GOTWALS  
1100 ONEOK Plaza  
100 West Fifth Street  
Tulsa, OK 74103-4217  
Telephone: (918) 595-4821  
Facsimile: (918) 595-4990  
dluthey@gablelaw.com

Gary M. Rubman  
Peter A. Swanson  
Michael S. Sawyer  
Rebecca B. Dalton  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, D.C. 20001-4956  
Telephone: (202) 662-6000  
Facsimile: (202) 778-5465  
grubman@cov.com  
pswanson@cov.com  
msawyer@cov.com  
rdalton@cov.com  
(admitted pro hac vice)

Neil K. Roman  
COVINGTON & BURLING LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018-1405  
Telephone: (212) 841-1221  
Facsimile: (212) 841-1010  
nroman@cov.com  
(admitted pro hac vice)

***Counsel for Video Gaming Technologies, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2018, I filed the foregoing via CM/ECF, which caused the foregoing to be served on the following counsel for Defendants:

Robert C. Gill  
Thomas S. Schaufelberger  
Matthew J. Antonelli  
Henry A. Platt  
SAUL EWING ARNSTEIN & LEHR, LLP  
1919 Pennsylvania Avenue, NW, Suite 550  
Washington, D.C. 20006  
(202) 295-6605  
(202) 295-6705 (facsimile)  
robert.gill@saul.com  
tschauf@saul.com  
matt.antonelli@saul.com  
henry.platt@saul.com

Sherry H. Flax  
SAUL EWING ARNSTEIN & LEHR, LLP  
500 E. Pratt Street, Suite 900  
Baltimore, Maryland 21202  
(410) 332-8764  
(410) 332-8785 (facsimile)  
sherry.flax@saul.com

James C. Hodges, OBA 4254  
JAMES C. HODGES, PC  
2622 East 21st Street, Suite 4  
Tulsa, OK 74114  
Telephone: (918) 779-7078  
JHodges@HodgesLC.Com

Duane H. Zobrist  
Jonathan S. Jacobs  
ZOBRIST LAW GROUP PLLC  
1900 Arlington Blvd. Suite B  
Charlottesville, VA 22903  
Telephone: (434) 658-6400  
dzobrist@zoblaw.com  
jjacobs@zoblaw.com

*Attorneys for Defendants*

/s/ Gary M. Rubman